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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,019

08/16/2006

Levinus P. Baker

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08/18/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHAFFER, RICKY D

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,019	Applicant(s) BAKER ET AL.	
	Examiner Ricky D. Shafer	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-36 and 39 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-22,24-28,30-36 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/16/2010 has been entered.

2. Newly submitted/(amended) claims 1, 3-6, 20 and 39 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Newly submitted (amended) claim 1 is no longer readable on the elected invention because newly submitted (amended) claim 1 fails to include the specific or particular spacing details of the plurality of first and second optical elements (i.e., the spacing is different between different adjacent pairs of first and second optical elements).

Furthermore, the newly submitted (amended) claim 1 is considered to be drawn to invention IV, due to the fact that the above mentioned claim specifically recites that "the first and second optical elements is a grid polarizer", which is drawn to the specific or particular second optical element details of non-elected invention IV (i.e., see the office action mailed on 04/28/2009).

In addition, since claims 3-6, 20 and 39 depend from independent claim 1, claims 3-6, 20 and 39 must now similarly be directed to invention IV as well.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 1, 3-6, 20 and 39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buzak ('744) in view of Sergan et al.

Buzak discloses an optical system comprising an optical path length adjuster (50) for varying an optical path length between an input optical path (from element 54) and an output optical path (reference numeral 24) including a plurality of first optical elements (34a, 34b) and second optical elements (62a, 62b, 64a, 64b, 66a, 66b) arranged in alternating sequence along an optical path, each first optical element being capable of controlling a polarization state of a light beam passing through that element via element 22 and each second optical element being capable of selectively transmitting or reflecting a light beam incident on that element depending on the selected polarization state of the incident light beam, wherein the optical path length traversed by an input beam on the optical path can be varied by selecting a particular second optical element at which reflection of the input beam is to occur, the reflected input beam emerging along the output optical path (i.e., see figures 3 and 4), wherein the adjuster is capable of obtaining a plurality of different spacings between the first and second optical elements based on the optical path lengths required along the optical path by selecting the depth plane of the object one desires, wherein the spacing is different between different adjacent pairs of first and

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second elements (i.e., wherein the spacing/thickness between elements 34a and 62a is different than the spacing/thickness between elements 34a and 64a or wherein the spacing/thickness between elements 34a and 62a is different than the spacing/thickness between elements 34b and 64b), wherein at least one of the first and second optical elements is a polarizing switch (34a, 34b) capable of changing the polarization state of a light beam and other of the at least one of the first and second optical elements (64a, 64b, 66a, 66b) is capable of transmitting light of one (minor component) polarization and reflecting light with an orthogonal (major component) polarization (see column 8, line 3 to column 9, line 56), wherein the spacing between sequential second optical elements determines the possible optical path lengths along the optical path via control 22 and wherein the optical path length is dependent on at least the number of second optical elements which transmit the beam and the spacing therebetween, note figures 1-7B along with the associated description thereof, except for a grid polarizer.

Sergan et al teaches it is well known to use wire grid polarizers in twisted reflective displays for the purpose of transmitting light of one polarization and reflecting light of an orthogonal polarization with low losses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the twisted liquid crystal display cells (64a, 64b, 66a, 66b) of Buzak to include a grid polarizer, as taught by Sergan et al, in order to enhance the brightness of the optical system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The examiner can normally be reached on Mon-Fri. 11:00 to 7:30.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

August 15, 2010

/Ricky D. Shafer/
Primary Examiner
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